UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,972	10/16/2004	Anthony S. Au	001-500	5971

			EXAMINER
29569	7590	12/29/2005	PATEL, MANGLESH M

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/711,972	AU, ANTHONY S.
	Examiner	Art Unit	
	Manglesh M. Patel	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 October 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *October 16, 2004*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: IDS and application filed on
October 16, 2004.

2.   Claims 1-26 are pending. Claim 1 is an independent claim.

Specification

3.   The disclosure is objected to because it contains an embedded hyperlink and/or
other form of browser-executable code See page 9/29, paragraph 51. This objection
can be overcome by adding a bracket or parenthesis to prevent the code from
becoming an active link. Applicant is required to delete the embedded hyperlink and/or
other form of browser-executable code. See MPEP § 608.01.

Drawings

4.   The drawings are objected to under 37 CFR 1.83(a) because they fail to show
reference numeral 310 as described in the specification on page 11/29. Any structural
detail that is essential for a proper understanding of the disclosed invention should be
shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with
37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the
application. Any amended replacement drawing sheet should include all of the figures
appearing on the immediate prior version of the sheet, even if only one figure is being
amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6.   Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Dewar

(U.S. Pub 2003/0200136, filed April 10, 2003).

Regarding Independent Claim 1, Dewar discloses a data processing system for

recruiting employees comprising:

- Having a company input data (See figure 12, wherein company inputs the details of the job for which they wish to create a solution, therefore company input data is received);

- Having a candidate input data (See figure 10, wherein the candidate is the applicant that is directed to the company's online application process that includes an application form, therefore candidate input is received);

- Comparing the company's data versus the candidate's data (paragraph 96, wherein the ranking or scoring of the answers is graded according to particular competencies known to be relevant to successful job performance, therefore the companies data which is the known competencies of the job is compared to the candidates data or score, and graded based on the companies data);

- Assigning a weight to company's data (paragraph 17, wherein a high predictive value is assigned greater weight, the high predictive or small subset of company data is weighted based on the hired applicants feedback to improve the hiring process); and

- Calculating a score based on the weights and comparison of the company's data and candidate's data (paragraph 93, wherein scores are calculated based on the weighted questions that include the comparison of the company's data and candidate's data).

Regarding Dependent claim 2, Dewar discloses where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes (See paragraphs 26-76, Wherein several goals, responsibilities and personal attributes are listed and defined within the companies data. Dewar further indicates that the system may test an online applicant for any competency desired).

Regarding Dependent claim 3, Dewar discloses where said candidate's data consist of a set of achievements, experience/responsibilities, personal attributes and winning attributes (See paragraphs 26-76, Wherein several goals, responsibilities and personal attributes are listed and defined within the companies data. Dewar further indicates that the system may test an online applicant for any competency desired which inherently include achievements, experience/responsibilities, personal attributes and winning attributes).

Regarding Dependent claim 4, Dewar discloses where said model identification step uses artificial intelligent to review said data (See claim 150, wherein a model generating one or more job performance criteria predictors based on input includes the use of an artificial intelligent model).

Regarding Dependent claim 5, Dewar discloses where said model identification step uses fuzzy logic to review said data (See claim 150, although Dewar doesn't explicitly disclose the use of fuzzy logic, Dewar does mention that the model is a job performance criteria predictor and includes an artificial intelligence model, therefore it also includes fuzzy logic implementation since fuzzy logic is an AI model used to predict).

Regarding Dependent claims 6-11, 13-18 and 23- 25, the claims describe a specific number of attributes used to measure the performance of an applicant. Dewar discloses a list of attributes used to evaluate the applicant (See paragraphs 26-76, Wherein several goals, responsibilities and personal attributes are listed and defined within the companies data). Dewar further indicates that the system may test an online applicant for any competency desired which inherently include achievements, experience/responsibilities, personal attributes and winning attributes etc. Therefore Dewar indicates that the number of attributes or questions presented to an applicant for testing their competencies are non-limiting. Therefore the application of a restriction to certain attributes is the companies choice.

Regarding Dependent claim 12, Dewar discloses where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes, and where said candidate's data consists of a set of achievements,

experience/responsibilities, personal attributes and winning attributes (See

paragraphs 26-76, Wherein several goals, responsibilities and personal attributes

are listed and defined within the companies data. Dewar further indicates that the

system may test an online applicant for any competency desired. Therefore

Dewar indicates that the number of attributes or questions presented to an

applicant for testing their competencies are non-limiting).

Regarding Dependent claim 19, Dewar discloses where the personal attributes

required by a company are compared with the personal attributes profiled by a

candidate (paragraphs 26-93, wherein a list showing the various company

attributes are compared to the users data or response).

Regarding Dependent claim 20, Dewar discloses where the responsibilities

required by a company are compared with experience/responsibilities of a

candidate (paragraphs 107-108, wherein the company data is compared with the

candidates input thereby generating a scored value, although it mentions that the

data compared to generate the score is against other applicants, that information

is part of the companies data since it is used to compare against the applicant

and determine a score).

Regarding Dependent claim 21, Dewar discloses where the goals are

compared with the achievements (paragraphs 26-93, wherein a list showing the

various company attributes are compared to the users data or response, since

Dewar states that the list is non-limiting it inherently includes the comparison of

goals and achievements for determining a score).

Regarding Dependent claim 22, Dewar discloses which is accessed over a

network (paragraph 15, wherein the system utilizes a communication network to

communicate bet an applicant terminal and a system server).

Regarding Dependent claim 26, Dewar discloses where the winning attributes

required by a company are compared with the winning attributes described by a

candidate (paragraphs 26-93, wherein a list showing the various company

attributes are compared to the users data or response, since Dewar states that

the list is non-limiting it inherently includes the comparison of winning attributes

of applicant to the attributes of the company for determining a score).

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior

art references and any interpretation of the references should not be considered to be

limiting in any way. A reference is relevant for all it contains and may be relied upon for

all that it would have reasonably suggested to one having ordinary skill in the art. [[See,

MPEP 2123]]

Conclusion

Other Prior Art Cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Talib et al (U.S. Pub 2001/0049674) discloses "Methods And Systems For Enabling Efficient Employment Recruiting"

- Farenden (U.S. Pub 2002/0128893) discloses "Web Site For Recruiting Candidates For Employment"

- Bryce et al. (U.S. Pub 2002/0143573) discloses "Integrated Automated Recruiting Management System"

- Fujino et al. (U.S. Pub 2003/0187680) discloses "Job Seeking Support Method, Job Recruiting Support Method, And Computer Products"

- Stimac (U.S. Pub 2003/0071852) discloses "System And Method For Screening Of Job Applicants"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone
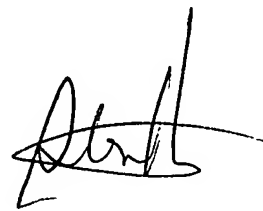
number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel

Patent Examiner

December 23, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER